

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THE PENNSYLVANIA STATE
UNIVERSITY,

Plaintiff,

v.

VINTAGE BRAND, LLC;
SPORTSWEAR, INC., d/b/a PREP
SPORTSWEAR; and
CHAD HARTVIGSON,

Defendants.

No. 4:21-CV-01091

(Chief Judge Brann)

ORDER

NOVEMBER 8, 2024

Upon consideration of the objections to portions of the deposition testimony that the parties seek to introduce at trial,¹ **IT IS HEREBY ORDERED** that:

1. As to Nicole Armentrout,² objections are sustained to the following portions of the deposition: 30:12-13 (attorney testimony); 47:24-48:4 (relevance); and 50:20 (attorney testimony).
2. As to C. Thomas McGrath,³ objections are sustained to the following portions of the deposition: 14:12-14 (improperly designated attorney objection); 15:2-4 (improperly designated attorney objection); 21:13

¹ Docs. 285, 288.

² Doc. 285-2.

³ Doc. 285-3.

(exhibit not introduced); 28:17 (attorney testimony/improper question); 29:21-30:7 (attorney testimony/improper question); 32:21-23 (improperly designated attorney objection); 34:17-35:24 (not designated as a trial exhibit); 36:16-18) (improperly designated attorney objection); 43:9-11 (improperly designated attorney objection); 64-23 (improperly designated attorney objection); 66:4 (improperly designated attorney objection); 67:19-24 (asked and answered); 88:12-89:3 (speculative); 88:16-18 (improperly designated attorney objection); 88:25-89:2 (objection); 89:7-8 (objection); 89:4-12 (impermissibly vague); 90:20-21 (improperly designated attorney objection); 91:16-17 (improperly designated attorney objection); and 91:25-92:2 (improperly designated attorney objection).

3. As to Dominic DeLong,⁴ objections are sustained to the following portions of the deposition: 14:19-15:11 (outside scope of designation); 22:12-18 (lay testimony concerning consumer perceptions); 22:21-23:2 (lay testimony concerning consumer perceptions); 27:21-28:3 (outside scope of designation); 35:3-11 (outside scope of designation); 49:24-50:22 (outside scope of designation); 57:25-58:9 (outside scope of designation); and 84:6-9 (outside scope of designation).

⁴ Doc. 288-6.

4. As to Chad Hartvigson, objections are:

- A. Sustained to the following portions of the deposition from July 21, 2022:⁵ 37:20-23 (outside scope of designation); 46:19-47:3 (outside scope of designation); 58:13-18 (prior disputes and lawsuits); 58:19-24 (prior disputes and lawsuits); 59:10-18 (prior disputes and lawsuits); 59:21-60:7 (prior disputes and lawsuits); 61:6-8 (prior disputes and lawsuits); 61:21-23 (prior disputes and lawsuits); 62:10-17 (prior disputes and lawsuits); 63:3-6 (prior disputes and lawsuits); 64:6-24 (prior disputes and lawsuits); 66:5-18 (prior disputes and lawsuits); 66:19-25 (prior disputes and lawsuits); 79:15-17 (relevance); 106:17-107:4 (relevance); 130:9-16 (advice of counsel); 172:2-13 (outside scope of designation); 173:19-175:15, 177:2-5⁶ (copyright law MIL); 207:6-208:9 (profits MIL); 212:6-213:2 (profits MIL); 234:6-235:3 (outside scope of designation); and 237:20-238:16 (outside scope of designation).
- B. Sustained to the following portions of the deposition from September 13, 2022:⁷ 13:3-15:18 (outside scope of designation).

⁵ Doc. 291-1

⁶ Line two only as to the words “that are in the public domain.”

⁷ Doc. 288-4

C. Sustained to the following portions of the deposition from November 2, 2022:⁸ 9:7-13 (outside scope of designation); 20:12-23 (outside scope of designation); 21:7-10 (outside scope of designation); 21:12-22:6 (outside scope of designation); 22:11-12 (outside scope of designation); 50:6-25 (outside scope of designation); 54:11-18 (outside scope of designation); 54:22-25 (outside scope of designation); 55:2-8 (outside scope of designation); and 55:9-11 (relevance).

5. As to Erik Hartvigson,⁹ objections are sustained to the following portions of the October 24, 2022 deposition: 43:4-10 (relevance); 44:6-45:8 (relevance); 55:18-56:24 (outside scope of designation); 78:4-6 (MIL 1); 84:14-89:16 (outside scope of designation); 97:2-8 (MIL 2); 97:16-19 (MIL 2); and 121:11-122:25 (outside scope of designation).
6. As to Maffey Meghan,¹⁰ objections are sustained to the following portions of the December 16, 2022 deposition: 11:13-13:12 (hearsay); 14:17-15:7, 15:15-21 (hearsay); 30:22-31:3 (relevance); and 32:22-34:21 (outside scope of designation).

⁸ Doc. 291-2

⁹ Doc. 288-8

¹⁰ Doc. 288-9

7. As to Michelle Young,¹¹ objections are sustained to the following portions of the September 13, 2022 deposition: 12:13-15:9 (outside scope of designation); 52:7-10 (speculative); 106:14-16, 106:19-22 (asked and answered); and 110:23-25 (outside scope of designation).

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge

¹¹ Doc. 291-3